

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 1/26/08

SPONSOR Heaton LAST UPDATED 1/31/08 HB 399/aHAFC

SHORT TITLE Self-Rescue Devices In Coal Mines SB _____

ANALYST Haug

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY08	FY09		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates SB366

SOURCES OF INFORMATION

LFC Files

Responses Received From

Higher Education Department (HED)

Energy, Minerals & Natural Resources Department (EMNRD)

SUMMARY

Synopsis of HAFC Amendment

The House Appropriations and Finance Committee amendment removes the appropriation from House Bill 399.

Synopsis of Original Bill

House Bill 399 amends 69-8-16 NMSA 1978, the Mining Safety Act enacted in 2006, to limit the requirement for miners to wear self-contained self rescue devices to underground coal mines.

Currently, the Mining Safety Act requires all underground miners, at both coal and non-coal mines (AKA “metal/non-metal” under federal law), to wear self-contained self rescue devices (SCSR’s). House Bill 399 changes the language to make it only apply to underground coal miners. House Bill 399 also clarifies language under the same section to continue to require employers to cache self-contained self rescue devices throughout any underground mine.

House Bill 399 appropriates \$167.0 from the general fund to the Board of Regents of New Mex-

ico Institute of Mining and Technology to pay for the state mine inspector's recertification of coal mine officials pursuant to the Mining Safety Act.

FISCAL IMPLICATIONS

The appropriation of \$167.0 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2009 shall revert to the general fund.

The HED states that a request was submitted by NMIMT to the New Mexico Higher Education Department for review. The Department's funding recommendation for FY09 is a continuance of FY08 recurring funding in the amount of \$360,700.

The HED's evaluation table of FY09 Research and Public Service Projects provided to the LFC classifies this project as a "would not oppose if funding available" project. Reasons for this classification decision are not provided. (LFC Report 07-20, Higher Education Department Review of Selected Research and Public Service Projects, January 12, 2008, Table 4, p73.)

SIGNIFICANT ISSUES

The EMNRD states:

- The changes in HB 399 are intended to bring the New Mexico Mining Safety Act more closely in line with the federal Mine Safety and Health Administration's (MSHA) regulations regarding self-rescue devices. Under 30 CFR 57.15030, MSHA allows for the use of a "self-rescue device", such as a W-65 self rescue unit, at underground non-coal mines. The self rescue device is different from the self contained self rescue (SCSR) device, which are required by federal law for underground coal mines. The self rescue device converts carbon monoxide to carbon dioxide, lasts for one hour or longer, has been in use for more than 25 years and has proven to be highly reliable. The SCSRs provide oxygen.
- The changes created by HB 399 allow for the more appropriate type of equipment to be worn by miners. Underground miners will still be required to wear SCSR's in coal mines where there is a possibility of combustible environments. However, in underground non-coal mines, it is likely that employees will encounter a combustible environment. If fires do occur in a non-coal mine, it is likely to involve equipment or machinery in creating dangerous levels of carbon monoxide. The self rescue device can convert carbon monoxide to carbon dioxide which is appropriate in these environments. In addition to being the appropriate device for non-coal mines, industry claims the self rescue devices are less cumbersome and more reliable.
- The protections provided to underground miners in the 2006 law will remain, and will aid in accident or rescue scenarios. In underground non-coal mines, caches of SCSRs must be placed around the mine. The mine must employ advanced communication and tracking equipment to monitor the location of, and contact, persons underground. These requirements exceed those imposed by federal law.
- This change currently impacts four underground non-coal operations covered by the mine

safety laws: two potash mines near Carlsbad, the molybdenum mine near Questa and the WIPP facility. There is one underground coal mine in New Mexico.

- The changes to New Mexico’s mine safety laws in 2006 and 2007 brought new duties to the State Mine Inspector’s office at New Mexico Tech. HB 399 includes funding to deal with some of these additional duties.

The HED notes that The State Mine Inspector is assigned to the New Mexico Institute of Mining and Technology (NMIMT) and, along with the New Mexico Mining Safety Board and the Bureau of Mine Safety, administers the Mining Safety Act. The State Mine Inspector is charged under Section 69-5-7 NMSA 1978 to develop and maintain mine safety and health training programs.

DUPLICATION

Senate Bill 366 is a duplicate bill.

GH/bb:nt